

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4, 6, 7, 11, and 13-29 are pending in the present application. Claims 1, 4, 6, 11 and 13 are amended; and Claims 16-29 are newly added by the present amendment. Support for the new and amended claims can be found at least at p. 10, ll. 24-27 and p. 11, ll. 19-28 of the originally filed disclosure. No new matter is presented.

In the Office Action, Claims 1, 4, 6, 11, 14-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over Trossen et al. (U.S. 7,054,643, herein Trossen) in view of Kim et al. (U.S. 7,286,558, herein Kim1) and Kim et al. (U.S. 2003/0074476, herein Kim2); and Claims 7 and 13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Trossen in view of Kim1, Kim2 and Agrawal et al. (U.S. Pat. 6,748,234, herein Agrawal).

As an initial matter, Applicants appreciatively acknowledge the courtesy extended by Examiner Dean in holding a personal interview with the undersigned on July 15, 2010. During the interview, an overview of the claimed invention was presented, and proposed claim amendments were discussed that Examiner Dean indicated would overcome the applied references. In response, independent Claims 1 and 4 are amended as discussed during the interview.

Specifically, independent Claim 1, for example, is amended to recite, in part, a radio communication system for performing multicast communication comprising:

... a transmission method determiner configured to determine a transmission method ... by at least one of a hierarchical organization of the transmitted information, an amount of [[data]] transmitted information, a number of codes used to code the transmitted information, an error correction method applied to the transmitted information, and a number of blocks of transmitted information, and a rate matching method ...

Independent Claim 4, while directed to an alternative embodiment, is also amended to exclude “a rate matching method” as one of the parameters by which the transmission method is determined.

In rejecting Claim 1, the Office Action concedes that Trossen fails to disclose “... wherein the transmission method is determined by at least one of a hierarchical organization of the transmitted information, an amount of data transmitted, a number of codes used to code the transmitted information, an error correction method, a number of blocks, and a rate matching method.” In an attempt to remedy this deficiency, the Office Action relies on paragraph [0053] of Kim2, asserting that this reference “teaches a rate matching method”.

As noted above, however, independent Claims 1 and 4 are amended to exclude “rate matching method” as one of the parameters by which the transmission method is determined. Therefore, Kim2 fails to cure the above noted deficiencies of Trossen with respect to the claimed parameters by which a transmission method is determined. Moreover, neither Kim1 nor Agrawal remedy the above noted deficiencies of Trossen and Kim2.

Thus, Trossen, Kim1, Kim2 and Agrawal, even if combined, fail to teach or suggest determining a transmission method “...by at least one of a hierarchical organization of the transmitted information, an amount of transmitted information, a number of codes used to code the transmitted information, an error correction method applied to the transmitted information, and a number of blocks of transmitted information”, as recited in amended independent Claims 1 and 4.

Accordingly, Applicants respectfully request the rejection of Claims 1 and 4 (and the claims that depend therefrom) under 35 U.S.C. § 103(a) be withdrawn.

Moreover, in an effort to expedite prosecution of this application, new dependent Claims 16-29 are presented, which each depend from one of independent Claims 1 and 4, and are believed to be patentable for at least the reasons discussed above. Moreover, each of new dependent Claims 16-29, and amended dependent Claims 6 and 11, specifically require that one of the parameters recited in an alternative manner in Claims 1 and 4 be used to determine the transmission method.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 4, 6, 7, 11, and 13-29 patentably defines over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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